

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

NATURAL RESOURCES DEFENSE
COUNCIL, INC.,

Plaintiff,

v.

FEDERAL EMERGENCY MANAGEMENT
AGENCY,

Defendant.

Civil Action No. 15-cv-04765-AJN

STIPULATION AND ORDER

WHEREAS, on or about June 18, 2015, Plaintiff Natural Resources Defense Council, Inc. (NRDC) filed a complaint pursuant to the Freedom of Information Act (FOIA) in the above-captioned matter (the Complaint) seeking to compel Defendant Federal Emergency Management Agency (FEMA) to disclose documents responsive to NRDC's FOIA requests;

WHEREAS, NRDC filed the FOIA requests at issue on June 20, 2014 and September 16, 2014;

WHEREAS, FEMA provided documents responsive to NRDC's FOIA request on November 6, 2015; December 2, 2015; March 22, 2016; June 7, 2016; and July 11, 2016;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the parties and their counsel, that:

1. By September 16, 2016, FEMA shall conduct a reasonable search for FEMA's Risk Ranking of Communities for Regions I, V, VIII, and X, and produce to NRDC any responsive, non-exempt documents it finds. FEMA will not assess NRDC any fees associated

with disclosure of these documents, and NRDC will not seek any attorneys' fees or costs related to the search for and disclosure of these documents.

2. After entry of this Stipulation by the Court, the Parties will attempt to resolve Plaintiff's claim for attorneys' fees and costs. In the event the Parties are unable to reach a resolution, Plaintiff reserves the right to file an application with the Court for any such fees and costs, and FEMA reserves all defenses to such application.

3. The Parties shall either file a stipulation with the Court resolving any claims for attorney fees and litigation costs, or NRDC shall file an application with the Court for any such fees and costs, no later than September 16, 2016.

4. This action is hereby dismissed with prejudice, provided that the Court shall retain jurisdiction of this matter for the purpose of resolving any disputes about FEMA's compliance with paragraph 1, and any disputes relating to claims for fees and costs pursuant to 5 U.S.C. § 552(a)(4)(E).

5. The Parties understand and agree that this Stipulation and Order contains the entire agreement between them, and that no statements, representations, promises, agreements, or negotiations, oral or otherwise, between the parties or their counsel that are not included herein shall be of any force or effect.

6. Facsimile or PDF signatures shall have the same force or effect as original signatures on this Stipulation.

Dated: August 4, 2016
San Francisco, CA

NATURAL RESOURCES DEFENSE
COUNCIL

Attorneys for Plaintiff



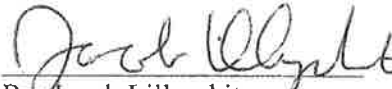
By: Joshua R. Purtle
Nancy S. Marks
Natural Resources Defense Council
111 Sutter Street, 21st Floor
San Francisco, CA 94104
Tel.: 415-875-6112
Fax: 415-795-4799
jpurtle@nrdc.org
nmarks@nrdc.org

Dated: August 4, 2016
New York, NY

PREET BHARARA

United States Attorney for the Southern
District of New York

*Attorney for Defendant Federal Emergency
Management Agency*



By: Jacob Lillywhite
Assistant United States Attorney
Southern District of New York
86 Chambers Street, 3rd Floor
New York, NY 10007
Tel.: 212-637-2639
jacob.lillywhite@usdoj.gov

SO ORDERED:

HON. ALISON J. NATHAN
United States District Judge